GOVERNMENT OF MYSORE

Memo.

Mr. Shortt's Official letter Dr. Campbell & Murdoch Esqrs 5th Nov. 1895

This letter formed the Subject of a General discussion at the last meeting of Council.

I have now carefully studied the whole question with the help of the Connected papers and I now send the whole to the Councillors for like Study with an Office Note on the Subject.

I would thank the 1st Councillor to review the memo in question regarding the Whipping Case.

When the Councillors have fully studied the Subject, we may meet to discuss what should be done next.

I am waiting for an early doings in the Home Dept and have again moved for

K. Seshadri Iyer

17-11-95

Return Chief Judl. Records.

Let Official letters be filed Separately.

This memo & Office Notes may be kept as a Special Case file

7/2/97

List of Papers appended by

Dear

Perused & forwarded
Army Secretary
18.11.95

Submitted to the Hon'ble Secy. Devans Camp
11.2.96. Forwarded A.M.Secy. 11.2.96

To
The Under Secy

With this may be put up a correct translation of the Annexe just to settle the whole file now to the Secretary.

GPP
19/11/95

Mexico.

On the 25th February 1895, Messrs Crawford and Taylor made the following report to the Duffedar of the Bilchalli Station:-

"This document
"is to report that on
"the occasion of the death
"by drowning of a
"in the Village Jank
"Patel in his report
"the occurrence has
"omitted to state that
"we the undersigned
"coming from the
"-site side of the Ja
"to render what assi
"-ance possible after
"affair, were attacked
"severely beaten by
"of the Villagers, thou
"we are in no way
"-ever to blame for

re indebted to Hanu-
mantha and another
for saving us both
from a very serious
handling-"

2. On 1st March
1895, Mr. Crawford
submitted a report to
the Police Jemadar, the
investigating Officer,
which will be found
elsewhere (Vide page 4)
by the side of Mr Taylors'
report of the same date-

On 10th March
95 Mr. Crawford
t by post to the
ieuas of the Hussan
uk, a complaint
the following terms:-

" I have the honor
make the following
mplaint against the
ndevhally Villagers-

"On Monday
ruary 25th, while
k shooting at above
ge tank in company

"with Mr Ralph Jay
"of the Mentasas Sch
"I was on the occasion
"of the accidental
"drowning of a man
"Violently assaulted by
"above Villagers without
"in any way giving
"cause for such action,
"full particulars of as-
"-sault are with the De
"puty Commissioner &
"Assistant Commissio
"of Police —

"I have no wish
"to proceed against any
"one Villager, but think
"it necessary that a
"full enquiry should
"instituted by Govern-
"-ment in order that
"further outbreak of
"kind there or elsewhere
"may be prevented. I
"trust you will give the
"matter the attention
"it deserves."

4. On 13th March
1895, the Amildar Magis
replied as follows: —

"I am in rece

If your letter complaining of ill-treatment at the hands of the Tullamore Villagers — but who are the people that ill-treated you — You have to mention their names and proceed with your case by presenting a duly stamped complaint and giving a deposition before me — On the above letter I cannot initiate Criminal proceedings — If it is your pleasure, you may act as I have suggested —

On the 31st March 1895, Mr. Crawford again wrote to the Auditor as follows: —

"Adverting to my letter of 10th May, March I respectfully beg to know what steps are being taken by the Police relative to the assault on myself, Mr. Taylor and housekeeper by the Villagers

AGENT OF MYSORE

"On the 25th February
"I would point out that
"I lodged a complaint
"with the Police imme-
"diately after the Assault
"wrote to the Deputy Com-
"missioner on the 26th of
"same month and —
"yourself on the 10th
"Instant with apparent
"no result, the affray
"I think you will find
"on making enquiries
"might have been of a
"most serious nature
"and to prevent one of
"the kind there or else-
"-where, a stringent
"enquiry into the matter
"should be instituted and to
"the Villagers punished —

"I may add that
"in the event of no notice
"being taken I shall be
"compelled to place the
"subject before the British
"Resident —"

6. In reply, the Amildar wrote as follow-

the 6th April 1895:—

"Your English letter
"of the 31st March has
"been received - with re-
"ference to your letter of
"the 10th March com-
"plaining of the assault
"committed by the Villagers
"of Wunnevarhully, I
"have already sent you by
"post in my No 854
"of the 13th idem, a
"reply to the effect that
"you should present a
"petition with names of
"accused persons duly
"inserted and also give
"your statement on
"solemn affirmation -
"A similar reply des-
"patched to Mr Taylor
"has been acknowledged &
"replied to - while so, I
"am surprised to hear from
"you that your reference
"has received no reply -
"On a petition put in by
"Mr Taylor, a notice has
"been issued for his personal
"attendance on the 15th

"April 1895. Yours
"sgee Cheema Basanta
"has lodged a com-
"plaint against Ha-
"-rinanthia of Ku-
"devarthilly and the
"same has been posted
"for hearing to the 22d
"April 1895. The
"Police Inspector has en-
"-quired into your com-
"plaints and submit-
"-ted a report to the
"Deputy Commissioner.
"You stated in your
"first letter that you
"had no complaints to
"make against par-
"-ticular individuals.
"If you are even now
"inclined to proceed
"criminally, you must
"as already intimated
"appear in person,

present your complaint
and do the needful."

7. Mr. Crawford
however does not ap-
pear to have taken
any further steps in
the matter of pressing
his complaint -

8. On the 28th
February and 1st March
1895, Mr. Taylor
wrote as follows for
the information of
the Police: —

"On Monday
the 25th. February 1895,
9 and Mr. J.G.H.
Crawford of Nbbau,
were shooting at
Kundesathully Tank.
At about 9. 30 A.M.
Mr. Crawford shot
2 teal, which were
left in the water

Mr. Crawford's report
of the 1st March
to the Police was
as follows: —

"On the 25th.
of present month
Mr. Ralph Taylor
and myself went
to the above tank
for the purpose of
a duck shoot,
on arriving there
at about 9. 30
I succeeded in
shooting a couple

of teal which fell some 15 yards from the edge, and seeing that the water was deep and full of reeds and considering the bird unobtainable, proceeded to the left round the tank leaving Mr Taylor attempting to secure game by the aid of his dog, he after one or two futile attempts on the part of the animal to retrieve same also left going in the opposite direction round over tank. Where

"apparently dead some 15 yards from "the Northern side of "the tank in recess "-sive weed and "about one furlong "from the Village -

"After making "an unsuccessful "attempt with a "dog to recover the "birds, I proceeded "the tank round on "the Southern side of "the water, Mr Crow "ford meanwhile "going in the op- "posite direction and "shooting along the "Eastern side of the

tank

"bank. From the "bund
"I shot 3 birds which
"fell in the water some
"distance from the bund,
"I left them and proceeded
"to within some 60 yards
"of the extreme end of
"the bank "bund". I
"then noticed a com-
"motion on the other
"side of the bank at
"the spot where the
"first two birds ~~had~~
"were shot by Mr
"Crawford and I pro-
"-ceeded to follow the
"Villagers in that direction,
"after having gone some
"200 yards, I was in-
"formed a man had
"just been drowned
"and seeing every
"one at the spot come
"out of the water
"and leaving
"across the bank
"foul language and

I noticed he shot two more birds I bagging a like number at ex-treme end of lake, while there I observed Mr Taylor run back a short distance say a few hundred yards concluding that he was going elsewhere - I crossed over to bund with the intention of joining him, en-route to do so, I was met by him hurrying back arriving within speaking distance he told me that a man had been drowned in at-tempting to se-cure the 2 birds I had shot an arrival hearing this he and I hurried as fast as

we possibly could to
render any assistance
that might be in
our power, on leaving
the tank bund and
turning corner near
the Village we were
both set upon and
Violently beaten, we
being led there by
some Villagers to a
temple to talk the
matter over. there
it was intimated to
us that the whole
matter would be
quietly settled upon
the payment of
money, otherwise
although they allowed
we were guiltless
of in any way
being the cause of
the mans death a
report to the effect
supported by some
50 Villagers (as wit-
nesses) would be
sent in to the Police
that we had virtually
drowned him by
inducing him to
enter the water to

"seeing what appeared
"to be an affray I
"decided to forthwith
"inform Mr Crawford
"and having done so we
"both speedily ran towards
"the spot, with the in-
"tention of rendering
"possible assistance or
"advice under the un-
"fortunate circumstance
"but upon reaching the
"Village corner of the tan
"we were immediately
"attacked, foully abused,
"severely beaten and
"our guns taken by the
"Villagers notwithstandin
"our repeatedly shouting
"to them to desist and
"summon the Patel of the
"Village - The assault
"was ended by the timely
"intervention of one Ha-
"numantha by name o
"another and we were both
"conducted to a temple,
"where we were informed
"that the matter could

"hushed up by payment of
"a sum of money, then
"and there, otherwise though
"they allowed we were in
"no wise to blame for the
"unfortunate accident
"it was the intention of
"many Villagers, to falsely
"accuse us both, of sending
"the man into the water
"and thereby indirectly
"causing his death.

"We naturally
"refused to entertain any
"such sordid project
"and immediately sent
"a servant and insisted
"on the Villagers also —
"sending for the Police,
"much to their evident
"displeasure.

"The Bilekulley Po-
"lice Peon No 210 having
"arrived the matter was
"fully reported to him &
"documents relating thereto
"placed in his hand, by the
"Village Patel & ourselves.
"After which we were per-
-mitted to depart and

Only

recover game, this
proposition we did
not entertain but
insisted on the Police
being called and in
fact sent ourselves,
on the arrival of
Police Peon No 210
from Bilekalli
the Patel submitted
his report, we at
same time handing
one containing an
account of the
assault committed
on us by the Villagers,
we had to do this
as the Patel ab-
-solutely refused to
touch upon the
matter. I may
add that both of
my servants had
been beaten previous-
-ly to the attack
made upon us,
one so much so
as to be incapa-
-citated from work
up to date."

only received ours
"back from the Police
"Peon-"

9. In reply to
the report made to
the Assistant Super
intendent of Police,
he replied on the 3d
March 1895, that
the matter was i
under enquiry, an
that his statement
would be duly place
before the Magistra
In the matter of 7
Assault, the Super
intendent of Police
advised that he woul
do well if he lodged
a formal complain
before the Taluk Ma
gistrate of Hassan
as the scene of oc
-currence was in h

jurisdiction—

10 On the 4th March 1895, the Amildar Magistrate held the Inquest regarding the death of Dasa Raju and 4 witnesses were examined— They were (1) Narasammah, (2) Ranga Raju (3) Hanumantha Raju and (4) Ranga Raju— The first is the mother, the 2d the brother and the 3d a cousin (uncle's son) of the deceased. The first speaks of her having learnt of the deceased having been asked by the Sahebs to get into the tank to bring out the birds and of his having died in the attempt, the 2d and 4th

It merely speaks of the deceased having been drowned in the attempt to remove the birds and the 3rd (who is also the 1st accused in the case) speaks of the deceased having been asked by the Sahebs to get into the tank to fetch out the game on promise of coolly and of the deceased having died in the attempt to do so.

11 The Muhazar drawn up at the Police investigation is wanting in details It merely notes the fact of the deceased having died in attempting to remove the game. But it is silent both as to

the alleged Assault committed on the Planters & as to whether the deceased got into the tank at the instance of the Planters or of his own free will -

12 A Verdict of accidental death was then entered by the Amildar Magistrate -

13 On 8th March 1895, Mr Taylor preferred the following unstamped complaint to the Amildar Magistrate by post: —

"I have the
"honor to make a
"formal complaint
"against the Villagers
"of Umedarkully

for

"for committing
"assault upon me
"on the 25th February
"last.

"The particulars
"of the assault are
"already in the hands
"of the Assistant
"Commissioner of
"Police of the Hausa
"District.

"Taking into
"due consideration
"the state of the
"feelings of the sai
"Villages consequent
"on the death of
"one of their com
"raders who was
"accidentally
"drowned in the ban
"I have no wish a

"present to proceed
against individual
"members of the
"Village, but deem it
"my duty to place
"this complaint
"before you in order
"that Government
"may make a full
"enquiry into the
"matter and may
"take the necessary
"steps to effectually
"prevent the re-
-"currence of such
"behaviour on the
"part of the said
"Villagers or of other
"persons in the
"future under si-
-"milar circumstances."

On

14. On the 11th March 1895, the Amildar Magistrate replied in identical terms with the reply he sent to Mr. Crawford on the 13th March 189[illegible]

(Vide page 2).

15 Again on the 21st March 1895, Mr. Taylor sent another complaint petition, with the stamp affixed, to the Amildar Magistrate by post to the following

-lowing effect: —

"I have the
"honor to hereby —
"lodge a complaint
"against the Vil-
"-lagers of Wum-
"-devarhully for
"Riot and Assault
"upon me on the
"25th February 1895,
"Sections 146 and
"352 Penal Code)-

"The particulars
"of the matter are
"already in the —
"possession of the
"Assistant Com-
"-missioner of —
"Police of Hassian
"District."

Mr Taylor

16 Mr Taylor encloses the above complaint petition, in his letter addressed to the Amilda. on the same date in the following terms: —

"I have the honor
"to acknowledge your
"letter of the 11th Instant
"requesting a stamped
"complaint and the
"names of the people
"who assaulted me at
"Wunderarkully, I now
"beg to enclose the
"stamped complaint
"but it is obviously
"impossible to give
"the offenders' names as
"there were some 20 or
"30 at least engaged in
"the assault and riot —

17 The Amilda. Magistrate wrote in reply, on the 26th March 1895, as follows in English: — "I

In reply to
"your letter of the 21st.
instant regarding the
complaint against
the Villagers of Kundevar-
hully Village, I have
the honor to inform
"you that I cannot
proceed in Criminal
"side unless you appear
"in person and give all the
"names of accused &
"witnesses according to
"Section 200 of the Cri-
"minal Procedure Code.
"A notice has also been
"issued to you in due
"course."

18 The Amildar Magistrate accordingly issued a notice to Mr. Taylor on the 24th, informing him that the enquiry could not be proceeded with unless he appeared in person and solemnly deposed before the Court as to

the details of the offence committed and the persons by whom they were so committed and gave the names of the witnesses to be Exa-mined, and that he should present him-self before the Court for the said purpose on the 15th. April 1895, failing which his complaint would be rejected—

19. The notice was served on Mr. Taylor on the 4th April 1895

20. On the day fixed, 15th. April 1895, Mr. Taylor appeared before the Magistrate when his statement was duly recorded. He however referred to one Hammantha Raja son of Dasa as having been concern

in the Assault and
stated that he would
point out the others —

21 The Amildar
Magistrate thereupon
ordered the issue of
processes. He directed
that the names of
such of the individuals
as may be pointed
out by the Complain-
ant should be entered
in the summons and
the same duly served
by the Police Jemadar
on the ~~concerned~~ in-
dividuals concerned.

22 His order to
the Police was as follows: —

"I have sent
"summonses against
"1st Accused Hanu-
"mantha and others.
"The Complainant comes
"to point out the
"other Accused. In his

"presence you should
"enter the names of
"the people whom he
"points out & serve
"the same on all
"persons concerned.
"As many quarter
"rupees should be
"collected and sent
"as there are accused.

23. The original summons in the file shows that it was directed to Hanumantha Rayar and generally to such of the other Villagers of Wunderkully as might be pointed out by the Complainant. The summons was issued on the 15th April 1895.

24. On the 16th. idem, Mr. Taylor went into the Village in company with the Jemadar and pointed out three individuals, viz 1 Hanumantha Raju, 2 Hanumantha Raju, and 3 Ranga Raju. The names of the two latter individuals were inserted in the summonses and they were duly served upon them.

25 The case was posted for hearing to the 13th. of May and after some adjournments finally disposed of on the 12th. of June 1895.

For

~~accidental death was~~
~~was entered by the~~
~~Assistant Magistrate~~

26 For the prose-
-cution four witnesses
were examined, Messrs
Taylor and Crawford,
Mr. Crawford's dyer
who put in a separate
complaint of assault,
and the Hospital As-
-sistant, Krishnasami
Iyer who testified to
having observed bruises
and red patches on the
Complainants' skin
the day after the ac-
-cident.

27 The evidence of
witnesses
Messrs Taylor & Crawford
was pretty much the
same as was alleged
in the written statement
to the Police Assistant

Superintendent - The
following portion of
Mr Taylors evidence,
however gives an idea
of the way in which
the scuffle between the
Villagers and the Planters
originated, " While
"on our way to the
"place of drowning,
"4. 5 or 6 Villagers
"came and prevented
"Mr Crawfords progress
"and attempted to
"snatch the gun he
"had in his hand. I
"went to his rescue -
"meanwhile 10 or 12 persons
"came on all sides of
"me and attempted to
"snatch my gun away.
"I then came to the
"front, Mr. Crawford
"being left behind - I
"had firmly seized hold
of my gun with both

"hands. They abused
"me. 1st Accused laid
"hold of my neck. I
"said let us go to the
"Patels' house, sit down
"and talk over the matter
"matter without any
"fuss - with one of
"my hands I shoved the
"1st Accused aside to
"free myself from his
"hold - Then 10 or 12
"persons beat me on
"my shoulders, head and neck
"× × when we were
"beaten the syces were
"at a distance. They
"may have witnessed the
"same - I did not see
"them -"

28 The Syces'
evidence was as follows-
"While the Sahebs were
"shooting people came
"running saying that
"some fellow fell into

the tank. The accused
"came near me and
"teased me to let go the
"horse - I refused - The
"1st accused & another
"beat me - All the 3
"accused beat the Com.
"plainant and the 1st
"witness - I was at a
"threshing floor near the
"temple - The Complainant
and the 1st witness
"were near the tank -
"The distance between
"us may be about ~~15~~
"50 yards - Many persons
"had collected when Com.
"plainant was being
"beaten - I do not know
"on what part of the body
"which particular in -
"dividual beat - I saw
"all the three accused
"beat the Complainant.
"lots of people had
"assembled - I do not
"know which of them beat
"and which remained
"quiet - I did not go
"near"

29. The Court exa-
mined 3 witnesses. Of
these Hanumantha wh
according to complain-
ant was the man who
interceded on their behalf
and prevented further
beating and into whose
hands Mr. Crawford
delivered his gun —
spoke to the following
effect: —

"One day about
"3 months back these
"Sahebs came and shot
"teal in our tank
"and it was noised —
"about that Dasa Raju
"of our Village got —
"drowned in trying to
"recover the birds — I
"heard 1st accused —
"beating his mouth
"that his brother died —
"I went thither. The
"1st and 3d accused had
"detained the Sahebs
"saying that as their
brother was drowned

"they (the Sahebs) showed
"not leave the spot
"till the Police came there.
"I asked why the Sahebs
"were detained there and
"led them near the ~~to~~ in
"temple - The Sahebs'
"servant brought the
"Police Constable - There
"were a lot of people
"where accused had
"detained the Complainant -
"I did not see the
"Complainant beaten
"nor did I hear of his
"having been beaten -
"3d accused was the
"elder brother of the
"deceased - He detained
"the Sahebs saying that
"as deceased died on
"account of them,
"and he did not know
"to which Bungalow they
"belonged, they showed
"stay till the Police
"came - The Complainant
"and accused did not talk
"in my presence nor did
"they say anything to me -
"The commotion had

subsided when I went to them.

30 The 2d witness for the Court stated as follows: —

"On the day of the occurrence, I saw "Complainant at Wun "devarkully temple. 1st "and 3d accused gave information to the "Bilekalli Station Duf "fedar that two Sahebs "shot birds in the tank "and that their brother was drowned in "trying to recover them. "The Duffedar sent me "to Wundevarkully and "directed 1st and 3d ac "cused to go to Hassan "A servant of the Saheb "had also come to fetch the "Duffedar. The Saheb "wrote a report which "they asked me to hand "over at the Station —

"The Patel gave me no
"report. The Complain-
"ant said that they
"shot birds that deceased
"went to fetch them
"and drowned himself
"and that when they
"asked the Villagers to
"take him out, the
"Villagers caught hold
"of them and beat them.
"snatching their guns
"away. The guns were
"in the temple. The
"Complainant asked Patel
"to restore the guns &
"the Villagers said the
"Sahebs were welcome
"to take their guns —
"The Complainant said
"the persons who took
"information to the
"Station beat them.
"When I went to the
spot, Complainant
did not tell me who
of the Villagers present
beat him. The in

"Complainant said
"that their guns had
"been snatched and
"detained, with the
"object of keeping them
"there till the arrival
"of the Police but he
"did not tell me that
"he was prevented by
"any body from going -
"Complainant pointed
"out blood ~~xxxxxx~~ clots in 2
"or 3 places - The other
"Saheb said that he was
"not beaten by any body
"and that when they
"came near him he
"threatened to beat them
"with the gun and
"they left him -"

Contradicts Mr Crawford.

31 The Court 3d witness the Patel spoke to the following effect:

"I know the
"Complainant. I did
not

see men shoot birds, when
the complainant and another
Saheb were in the temple,
I saw them there. Many
people of the village had
collected there. As I heard
that some one fell in the
tank, I went there. The
wife and the children
of the deceased were lament-
-ing. The mother of the
deceased said that her
son, drowned himself
in the attempt to bring
birds from the tank. I made
no enquiries at the temple.
I got a report written by
Mariswamy. The Sahebs
also wrote one. I do not
know ~~Saheb~~ what the
Sahibs did with their report.
I sent my report through the
Court 2d witness who came
from the Station. Exhibit I

"is my report. Accused
"are distantly related
"to me. The Complain-
-ant did not tell me
that he was beaten —

32 The statement of the accused was as follows: —

1st Accused. (not ×examined)

The Complain-
-ant and another Yira ×
(not the 3d witness) were
shooting in the tank
bed. The 1st witness
was shooting towards
the tank bund. I follow-
-ed the 1st witness —
He said something in
his language. I stood
behind a Poopli tree.
Complainant shot 5 or
6 birds and they dropped
in the lotus. 3 of them
dropped in the water
at some distance.
There was no one with

the Complainant, except
his Oyee. My uncle's
son Dasaraju came
near the water, at some
distance from where
the Complainant was
shooting, ~~Dasa~~ the Oyee
beckoned to him &
Dasaraju went there.
The Oyee then said to
Dasaraju, you will be
paid better, bring out
the birds. Dasaraju said he
did not know how to
swim & could not therefore
comply. The Complt.
then said angrily, send
~~for~~ the Kulvadi to bring
those who could swim &
get out the birds, or
take them out yourself.
Dasaraju then said that
there were swimmers at
Byladilley & Kanugal,
but that they could not be
sent for. On the Com-
plainant having asked
him to bring at least
the one bird which

was

close by, he went into
the water neck deep
and came back about
a yard or a yard
and a half pleading
inability. The Com-
plainant then told
him, stand there and
draw water, the bird
is near and will come
nearer still. Accord-
ingly he did so, when
the bird came a
cubit further. The
Complainant said,
it has come near,
hold it. The deceased
then bent himself and
stretched out his
hand, when the bird
and himself went
under the water. I
then came running
from the bank-bund
saying that my
brother was dead, and
beating my mouth.

At the time the 1st
witness was shooting
near the ~~bank~~ Kodi.
I took off my belt
and went into the
water knee - deep - I
felt cold - I returned.
The Complainant
referred to his watch
and said that there
was still life in him
and asked me to
have the body taken
out - It was then
~~threshing time~~ harvest-season, and
no one was present -
Ranja Raju, another
Ranja Raju ~~son of~~
Hanumantha came
behind me towards
where the deceased
was drowned. They
are aware of what
all transpired. Com-
plainant remained
there. Afterwards

2. 3 or 4 of the
Villagers — women &
children — came there.
The 1st witness hear-
ing this commotion
came running to-
wards us. ~~The accused~~
to ~~where~~ ~~the~~ The 3d ac-
cused came to the spot where
we were beating one
months. Some of
the Villagers also turned
up. When the 1st
witness was coming
within 20 yards
distance, the Com-
plainant mounted
his horse. As the
1st witness also was
about to mount
his horse, the de-
-ceased's mother
asked the deceased's
wife to go to the
Sahebs and that
they would give

something for main-
tenance - 3d accused
was following Complain-
ants horse, when the
latter asked him to
keep away as the
horse was a mis-
-chievous one - I seized
hold of his horse near
the threshing floor.
I asked them to wait
till the Police arrived.
When I seized hold,
the horse became restive.
I did not let it go.
They asked me to let
it go, but I did not
do so - They struck
me on my lips with
the butt-end of the
gun - It wounded
and bled too - The
1st witness (Court)
said, you have killed
him and are you
bent upon being in
mischievous and killing
these

(not examined)

Accused wait till the arrival of the Police They then went and stayed at the temple I went to the Police Station and was in giving out my statement - The Sahebs servant Eiru came there with a watch - A Mahomedan Constable was sent to the Village from the Station, and I was sent accompanied by a Constable, to the Taluk Jemadar - From Bilekully, I came to Hassan where I deposed before the Jemadar all that happened. I did not accompany the Police Constable to the Village. This is what transpired. Except stopping the horse I did not abuse, beat or assault them.

that the Planters
shot dead in the Village
and that the de-
-ceased died in at-
-tempting to recover
them is clear. There
is a conflict of
evidence as to whether
the deceased had been
induced to go after
the dead birds by the
offer of a reward.
It is also probable
that the brothers of
the deceased tried
to detain the Planters
and ~~extort~~ exact some
compensation for the
family of the deceased
who according to
their notions gave
up his life to oblige
the Planters. In the

attempt to detain them Ade the Police turned up a scuffle ensued and one or both of the Planters were probably roughly handled though it is also likely that the accused did not es-
-cape altogether un-
-hurt - The Com-
-plainant did not wish to proceed in against the accused having regard to the sorrowful and excited state of mind they were in owing to the un-
-natural death of their brother and cousin - The Ma-
-gistrate was so ob-
obliging as to send a Policeman with a summons in blank to be filled

with the names of
as many of the Villagers
as the Complainant
chose to point out
and ultimately
sentenced the 1st
accused to 7 days'
rigorous imprisonment-

Office Note. regarding the
Complaints of some of the
Planters in the Kadur Dt.

During the two
years 1893-94 and 1894-9.
there were in all 10 Cases
in which Natives were
charged with Offences —
coming under Assault,
Assault to wrongfully
restrain, Arrest & Hurt-
Out of these 10 cases, the
first was lodged by Mr.
Reay against a Mestri
and five coolies of Mr
King, of Criminal tres
pass, Arrest and Theft
of Bamboos. The defence
was that the Bamboos
were cut under the orders
of Mr. King, the five
coolies were acquitted in
all counts and Mr.
King's Mestri convicted
of Arrest alone and
sentenced to a fine of
15 Rs. The second was by
Mr. Allen against 7
coolies (not belonging to
Mysore) in the Kathle-
-kan Estate and the
charges were under Section
357, 323, 352 and 504
the Accused were acquitted
of the charge under Section
357 (Assault in wrong-
fully

after taking evi-
-dence confirming) and
the Complainant com-
pounded the other offences
and the Accused were
acquitted in respect of
them under Section 345
of the Criminal Procedure
Code - In the third case
Mr. Boucher charged an
Estate coolie with Assault,
who was acquitted owing
to non appearance of
Complainant. In the
fourth case Mr. Dias
charged four Muhammadan
traders of Koppa with
Assault and Assault
but the Complainant
withdrew the Complaint
and the Accused were
acquitted under Section
248 Criminal Procedure
Code - In the fifth case
three South Canara coolies
were charged with hurt by
Mr. Lincoln and one of
them was convicted and
sentenced to 3 months'
rigorous imprisonment.
In the sixth case one Mr.
Cunningham charged 6
Canara coolies with hurt,
2 were sentenced to 3 months' rigorous
imprisonment, 2 to 1 month
and 2 to 15 days. In the
seventh case, two Madras Estate
coolies (in Mr. Playfords'
Hoosur Estate) were charged
with hurt by Mr. Playford

⊗ The accused was charged under ss 504 & 510 of the Ind Code with having criminally intimidated the complainant and with having caused annoyance to complainant while in a state of intoxication.

The accused pleaded guilty of both charges and for the offence under s. 504 sentenced him to undergo rigorous imprisonment for 10 days & to pay a fine of Rs 10 & for the offence under s 510 to pay a fine of Rs 10 -

and sentenced each to 6 months' rigorous imprisonment. The eighth was a case of Assault by Mr. Finton against a neighbouring Muhammadan Coffee Planter and the accused was acquitted under Section 248 Criminal Procedure Code. The ninth was a case of Insult by Mr. Reay against an Agriculturist who stated in defence that the insult consisted in his characterising a statement of Complainant about an oral contract binding Accused to cultivate Complainant's field, to be false; the case was withdrawn, and Accused acquitted. In the tenth case,* the Accused together with a number of other people was returning along the road in which the Complainant was driving in a dog-cart. Accused was in a narrow part of the road and was carrying a load on his head. The Complainant struck him with a whip. Accused and several others abused Complainant and Accused admitted to having drunk 2 drams of Arrack in the fair. (The Arbitrator took this to be an —

* This Case being one of the two specifically referred to in a letter published in the Morning Post, an abstract of it (with the original Record) is sent herewith.

admission of being drunk and convicted him of Insult and sentenced him to 10 days' rigorous imprisonment.)

It will thus be seen that with the exception of the local agriculturist who was hauled up for Insult for denying on oath the Complainant's allegation of an oral contract and was acquitted, and the Toddy drawer who used foul language in return for being struck with a whip, while he was carrying a load on his head along a narrow public road the Mysore Villager is conspicuous by his absence in the list of Assaults preferred during the past two years. In the three cases of hurt in which sentences were passed of 6, 3 and 3 months rigorous imprisonment respectively, the offenders were South Canara and Madras Estate Coolies. Two cases against a Mussalman Planter and four Mussalman traders were withdrawn

and the remaining
3 cases out of 10 were
all against Estate "
Mestries and Coolies -
In one of these the "
Complainant did not
appear, in the second
an Estate Mestri was
fined 15 Rupees for "
insulting when ~~obstructed~~ prevented
~~him~~ cutting down bam-
-boos under his masters
(Mr. Kuig's) orders and
in the third, seven "
Madras Estate Coolies
were charged under four
sections, were acquitted
under the more serious
offence and the Com-
plainant compounded
the other Offences. So
far therefore as 'Ruffia-
nism' by the Village
population is concerned
the Criminal records of
the past two years do
not afford any evidence
of it -

It would be
interesting in this con-
nection to see how the
Europeans stand in the
matter of Assaults "
against Natives. Taking

the three years 1892 - 1895
we find that there
were 3 cases of Assault by 3 separate
complainants, against
Mr. Denton, in which he
was convicted and sentenced
to a fine of 20 Rupees, in the aggregate —
One case of Assault and
Hurt against Mr. Hugonin
which was compounded
the accused being acquitted
under Section 345 Criminal
Procedure Code, One of
Hurt against Mr. Le
Mouzin in which the
accused was convicted and
fined 2 Rupees, One case
against Mr. Le Mouzin
of Assaulting a Public
Servant in the lawful
execution of his duty
in which Mr. Le Mouzin
was convicted and sentenced
to a fine of 50 Rupees,
One of hurt against
Mr. Lake in which the
case was compounded
and the accused ac-
quitted under Section
345 Criminal Procedure
Code, Another against
Mr. Le Mouzin which was
compounded and the ac-
cused acquitted under
Section 345 Criminal
Procedure Code, One

against Mr. Allen of obstructing and assaulting a public servant in which the Accused was acquitted under Section 258 Criminal Procedure Code, One of Assault and Wrongful confinement against Mr. Clifford and Captain Foster in which the former was convicted on both counts and sentenced to pay a fine of 5 Rupees and the latter was acquitted as he acted in accordance with orders of Mr. Clifford. Out of the ten cases of Assaults &c against Europeans, six ended in conviction, 3 were compounded under Section 345 Criminal Procedure Code and one was acquitted after taking evidence. So far therefore as the Kadur District is concerned, the attitude of the Magistracy comparing the punishments inflicted on Europeans and Natives in cases of Assault & Hurt and the issue of

Warrants instead of
Summonses, in res-
pect of Offences of
Assault and Hurt against
Natives, so far from
encouraging Natives
in defying Europeans,
is highly favorable to the
maintenance of the
prestige of the Planters
as a Class superior to
the surrounding popu-
-lation of the Country
and to deter the latter
from bringing charges of
Assault &c against them

Mr Sparkes'
remarks, that the 'Ruf-
fianism' is confined
to 'locals' as dis-
-tinguished from South
Canara and Malabar
Coolies, is in strange
Contradiction to the in-
-ference suggested by his
Statistics, but is not
a matter for surprise
as he has evidently attached
undue importance to
the salutes he receives
from the foreign Coolies
which are frequently
withheld by the locals.

The Planters have apparently no grievance against the Heads of Officials of the Taluk, but complain that Policemen enter their Estates, for serving Warrants under the Breach of Contract Act, with their Sandals on and that Patels and Shanbogues do not readily respond to their calls for local information - As a remedy for this state of things, Mr Sparkes has informed the Planters that any such complaints against Minor Official should be sent up directly to him when they would receive immediate attention - In the Malnad where any Offender can persuade a Master, owing to the scarcity of labor, to employ him in a Coffee Estate, and the difficulties of detection are consequently great, it is of essential importance to preserve the independence of the Village and Regular Police but the orders of Mr Sparkes

are calculated to under-
mine that independence
and in practice anything
like equal treatment
in cases of conflict of
interests between the Vil-
lage population and the
Coffee Planter will become
impossible if the Village
Officials are liable to be
summarily fined by the
Deputy Commissioner for
not attending at the
Planters Bungalow when-
ever it pleases the
Planter to send for him.

In this connection
it is of importance to
observe that the only
case of discourtesy against
an Amildar in Mudgeri
put forward by the Planters
was that of Mr. King
who was summoned by
the Amildar to explain
why he (Mr. King) tore
up a warrant sent
into his Estate for
service on one of his Coolies.

Mr. Sparkes suggests
as a means of restoring
the prestige of European
Planters the investiture
of such of them as may
be nominated by the Planters'
Association and approved
by him, as Honorary

Magistrates empowered to decide petty cases. Mr Sparke's proposals — practically amount to introducing a patri-archal state of things in the Malnad, where the European Planter in his Coffee Estate will be a local chief invested with Magisterial powers and with the minor officials — Police and Revenue — of the surrounding Villages — practically under his control - The European planter may also be fitted by qualities of head and heart for such a position, though some of them are obviously unfitted for it, but in the admittedly strained state of the relations between the Villagers and the Planters

and having regard to
the nature of the duties,
the creation of such a
state of things which
might have been feasible
in the early days of the
British Commission,
is now out of the question.
Government however are
satisfied that the real
cause of the discontent
of the Planter lies deeper
and that the opposition
and ill-feeling in in
Mandigeri alleged to be
shown by the locals is
due to the multiplication
of minor native land-
holders round the Eu-
ropean Estates, many
of whom cultivate Coffee
on a small scale,
under the competition
for labor keener than
ever and the chances
of detection of Coffee
stealing more and
more difficult.

The following

Extracts from the Memo of one of the most sober, intelligent and distinguished of the Coffee Planters will show how matters stood in regard to this matter in 1892:—

(Dasara Pro: for 1892, Page 207).

"The European suffers another annoyance in regard to the employment of casual laborers, and that is, in connection with the keen competition that exists with those Natives who hold very small Coffee Estates all over this Taluk.

These small peasant proprietors allow the local coolies to dictate their own terms and pay fabulous rates for contracts for digging, clearing, house building, &c.

They sell their crops, their firewood, ~~&~~ bamboos or anything that they can part with, in order to get money to work their little gardens, which are often only a few acres in extent -

They cordially welcome coolies at 11 o'clock in the day, and are satisfied with about half of an ordinary day's work.

One man boasted to me that he had farmed his property for Rs: 16. On inquiry it was found that the work had been performed by three people in four days!

The natural effect of this is, that the coolies are masters of the situation, and after taking money advances from Europeans they avoid

avoid attendance at an Estate where a fair day's work is required, and readily obtain congenial employment wherever they choose to go among the small gardens " above referred to.

Many of the Farmers of this Taluk have become so interested and absorbed in the " work of their Coffee Estates, that they have sub-let their paddy fields on the Varam system to the coolies, so that if matters progress in the same course much longer, there will be no local labor " available for working the European properties. All the above enumerated circumstances combining, render the present state of affairs in this part of the country obviously

intolerable for the European, and it is therefore essentially necessary that when agricultural laborers are engaged, either locally or from a distance, and are paid large sums of money in advance, an equitable arrangement should be provided by law to prevent them from causing their employers annoyance and loss."

If the labor difficulties were so great in 1892, they are much greater in 1895. During the interval of three years the Coffee area has increased by 10,000 acres, the number of European Estates by 150, and native Estates by 600. The average area of European Estates is 65 acres

and that of Native less
than 4- " 2
Local Villagers, once
Coolies in European "
Plantations, are fast
becoming Agriculturists
and are probably not
so obliging to Euro-
pean Planters as they
once were, having learnt
independence during
their coolie life - Mr
Anderson's description
of how the timid Vil-
-lager becomes courageous
and self-assertive after
a training under Euro-
pean Employers is "
worth quoting here -
"The very idea of oppression
of any sort may be best
dismissed by the follow-
ing statement, which,
I venture to think, goes
far to prove what sort
of a man a coolie who
has worked under an
European is - It is

customary for Madras
Cloth merchants to visit
this District about the
conclusion of the rains,
and having disposed
of their goods to the
Villagers, they return,
after the crops are in
gathered in, to collect
the money. Formerly
their method of collection
consisted of sending
several of their re-
-tainers into the Villages
with big sticks, or of
terrifying the women
and Children, when the
men, for obvious reasons,
avoided being present -
Last year a merchant
tried this old plan
in one of the Villages
belonging to this pro-
perty. It is needless
to say he suffered se-
verely for his temerity,
as the Villagers lay in

wait for him and his gang, and administered such prompt punishment on him that they have never ventured to come near the locality again."

Another noticeable feature is that during the last three years the new Native Plantations have an average area nearly thrice as large as the old Native Plantations while the new European Plantations have shrunk to a third of the average size of the old Plantations — It is thus clear that Natives are now opening large estates and the Europeans smaller estates than is usual with them — and this multiplication of European and Native Estates — large

and

small — has necessarily the effect of confining rights of way to "specific paths and byways, of intensifying the fierce conflict for labor and rendering the equitable enforcement of the Coffee Stealing Prevention Act practically impossible. Thus during the past two years there have been four cases of complaints of Criminal Trespass and unlawful interference with Coffee cultivation, of which one ended in acquittal, one in directing, (under Section 144 of the Code of Criminal Procedure), the accused Mussalman planter who had sold the land in question to Complainant, but alleged that possession had not been given, to abstain from interference, and the other two in the conviction of two local

Cultivators, the sen
being one months ri
gorous imprisonment

Out of the 10
cases of theft of
Coffee and possession
of stolen Coffee, 4
cases in which foreig
Estate Coolies were the
accused, ended in
their conviction, the
sentences ranging from
1 to 3 months rigorous
imprisonment - In
one case the Coffee had
been obtained from the
owner of a small
Native Coffee Estate as
an advance and the
accused was discharged,
in four cases where
locals were accused
and two of the accused
were women, all four
pleaded that the Coffee
alleged to be stolen
was their own (Two
of them possessing

small Coffee Estates),
all four were convicted
one being sentenced to
a fine of 5 Rupees
and the others to three
months' rigorous im-
prisonment. In the
last case against a
local cultivator, the
sentence of 100 Rs:
fine was quashed by
the Chief Court.

The six cases of
Criminal Breach of
trust brought during
the past two years by
Europeans were, as
might be expected,
against Madras and
Canara Mestries and
Coolies.

Under these
circumstances and
having regard to the fact
that the Planters of
Chikmunglur and Sol-
-lebail complain of the
existence and growth of

ill-feeling for which they are unable to account and that 853 European Plantations are interspersed between 28000 native plantations — small and large — ~~Govern-~~ ~~ment has~~ no hesitation in putting the ill-feeling down to jealousies engendered by the struggle for labor and struggle for adjoining land and rights of way and the difficulties of detecting thefts of coffee by Estate Coolies.

there need be

Appendix D VIII
No 6

Memo.

— " —

On 19th August
1895, Mr King com-
plained to the Amildar
Magistrate of Mu-
-digere as follows: —

" Yesterday even
"ing, 18th August,
"while driving home
"in my dog-cart with
"Mr Fenton along the
"Bykerwelly road —
"about 6.30 P.M., we
"passed innumerable
"people coming home
"from bazar, the great
"portion of whom were
"more or less drunk,
"and we had great dif
"ficulty in making the
"get out of the way of

"the trap. One man
"did his utmost to
"fall against the
"wheel although Mr
"Fenton and I called
"to him several times.
"In order to prevent
"him actually being
"knocked down by the
"trap I gently touched
"him with the driving whip -
"we drove on and arrived
"at the river where we
"unharnessed the pony
"and were about to be
"ferried over when we
"heard a man calling
"out at the top of his
"voice the most obscene
"language possible —
"too filthy to be recorded
"in this petition and
"calling to others to come

"to his assistance and
"saying he would not
"permit me to cross
"the river that night -
"The doni- man* told
"him to go away quietly
"several times and
"not use such language
"and act like a mad
"man - We crossed the
"river amidst a shower
"of abuse fit for no
"European ears to
"hear and he still
"kept shouting to
"some 30 or 40 person
"who were at the in
"higher ford 100 yards
"up. One urchin came
"and he was also in
"abusive - Finding we
"had got across quietly,
"they ran to where the
"crowd ~~who~~ were and
"excited them to cross

"and follow us by the
"upper road and so
"cut us off - Luckily
"I knew of a by-path
"which Mr Fenton and
"I took hearing their
"screeches and shouts
"from which I gathered
"they were going to try
"and cut us off at
"my turning. Mr Fenton
"and I found our way
"by a very circutous
"manner thro' scrub
"jungle in the dark
"and we were indebted
"to the darkness for
"having reached home
"in safety. My horse-
"keeper and the pony
"which he was leading
"home by the Govern-
"ment road were mo-
"lested, and he was
"told that though we
"had managed to escape,
"they were going to damage
him

Where did he hear what he tells people 100 yds higher up on the opposite bank

"him and the pony:
"one or two more friend-
"-ly than the rest
"prevented them putting
"this threat into exe-
"-cution. The originator
"of all this is a town
"man who was exciting
"the rest to riot. The
"town-man knows his
"house and him perso-
"-nally and I will as-
"-certain his name &
"intimate same to the
Court."

The friendlies were not examined

2. The complaint did not specify the name of the accused nor his place of re-
-sidence and the Ma-
-gistrates' order thereon was as follows: —

"

A warrant

"should be issued for the
"arrest of Accused
"under Sections 504
"and 570. The warrant
"should be issued
"after the Accused's
"name is ascertained.
" The Accused should
"execute a bond of his
own recognizance for
50 Rs and furnish a
security for 50 Rs."

3. The Warrant is dated the 20th and is directed to the Police Inspector who handed it over to the Duffedar Thanmia. The latter endorsed it on the same date to Constable Lalchuna and on the 21st the Duffedar has reported as follows: —

"Mata alias Rama

"came here under ar-
"rest. The Security
"bond executed by our
"Munsiff is appended
"hereto."

4. The accused was arrested on the 19th evening as the following letter of Mr. King would show:—

"
"Kesavil 20. 8. 95

"To.

The Amildar of Mudgal

Sir,

I sent in Bilas Rama or Mota (he has two names) the son of Biligee; we had the greatest trouble in capturing him, he was insolent and his mother and others tried to obstruct the Constable taking

him away. Please
<u>do not</u> allow him
out on bail as I
have grave doubts of
catching him again
by Thursday. The
Constable had to take
off his turban and
use it to tie the ac-
-cused as per hand-
-cuffs to his wrist as
he was most violent
and refused to go.
I have the two sum-
-monses for Dava
and Byree here, if
you will send a peon
today I will point
out and hand over the
two women in $\frac{1}{2}$ an
hour. I trust you
will kindly take the
serviceness of the

case against Rama into consideration and refuse to allow bail, had not I gone to the Village last evening we would not have succeeded in catching him at all. I have collected further evidence of a most grave nature against the accused and will bring in all my witnesses 5 in number on Thursday morning."

5. It would thus appear that the accused was arrested without a warrant though under law he could not be arrested without one — (Vide Schedule Column of sections 504 and 510 of the Criminal Procedure Code) — and

from the 19th evening
till the 21st he was
in the custody of
Constable Latchma-
-ler King in his letter
of the 20th also desires
the Amildar to send
a Peon and promises
to hand over two women
in half an hour - As
to who these two women
were and who Dyava
and Byree were, for
whom Mr. King says
he has summonses
with him, the record
~~throws~~ throws no light
whatever. There are
no summonses in the
record and Dyava and
Byree are not men-
-tioned anywhere in
the Proceedings -

6. On the 22d
the trial commenced.

The witnesses for the Prosecution were. — Messrs. King and Fenton, Hyath Sab (Mr. King's syce) Nalvara (Mr. King's waterman) Batta (Captain Foster's syce, and Chinnia. Of these Chinnia states that on the evening of Sunday the 18th. some people returning from the fair passed on the pathway by the side of his house leading to the Sirkari Byrawalli road, making a noise — He does not know who they were and does not say what they were making a noise — about. Witnesses

Nalvara and Betta
accompanied Captain
Foster and Messrs
King and Fenton
on the 19th evening
to ascertain the name
of accused and point
him out to the Policeman
charged with the pro-
-cess. Betta speaks
to Nalvaras having
gone into Accuseds
house on the 19th
and talking to him
about sundry things
while he was waiting
outside. Nalvara states
that accused asked
him what place
he came from and
on his replying that
he (Nalvara) was
living in the Kesva-
-lata Bungalow, —

Accused

who. The Policeman had come to the Bungalow and accompanied the party to the accused's village

Accused asked who the two Europeans in the Bungalow — were. Nalvara replied there was a Chikka Saheb - Accused said "On Sunday they came to beat us - We were seated near a Bakli tree - The Sahebs did not come there. If they had come, we would have taken away their life Nalvara then left the accused's house to fetch the Sahebs —

Dr. King stated in his evidence to the following effect "I was driving along Byramalli road with Dr. Fenton. Many bullock carts returning from the Bandra Sandy Hill fair preceded by Gowri Kavadi and many were drunk as is usual in Bandra during this festival. As we neared a narrow part of the road accused did not make way and was nearly coming in contact with the wheels. I struck the accused with my whip. We then drove 1½ miles to the river. We got down and walked to the river=

~~bank~~. As we began to walk I heard a loud noise behind me. I looked back and saw the accused who came up abusing me. I did not mind it but went to the boat. Accused followed abusing me. I told him to go away. He refused to go. I then asked him to give his name. He refused to give it, abusing me at the same time. As if to prevent my getting on the boat he called to the people who were coming behind. He said he would not allow us to cross the river. We got into the boat and

were ferried over. After we reached the other side accused called out to the people behind him and said our further progress must be arrested. Having heard this we thought it safe to cut away by a jungle path and reached the bungalow by a circuitous way"

Mr Fintons evidence was to the following effect: —

"On Sunday evening we were driving home from Voodase to Kesanalli Estate. On the road Coolies were returning from the Mudigere fair with loads on their heads - more or less, all were drunk.

It was very difficult to make our way through them - Turning to the Byravalli road, progress became very difficult, the road became narrower and the crowd was large - We met Accused with a load on his head in a very narrow part of the road - Mr King and myself called out to him - He did not mind it. We slackened pace - We tried our best to avoid him but could not - Mr King gently tore the Accused with his whip - We drove on as far as the river - We met lots of Coolies in the way - We left the Arab and pony with the syce and walked to the ferry -

As

As we were walking to the boat we heard some one calling out, and looking behind saw accused abusing us and in a threatening attitude - I asked Mr King who he was - Mr King did not know - We thought he was calling out some of his own men - When he came nearer and abused us, we learnt that it was us he was abusing - He called out to the crowd - An urchin turned up and he and the accused abused us even as we sat in the boat - I dont understand Canarese well -"

Hyath Sab,
(Mr King's syce)

stated to the following effect: -

"Messrs King, Fenton and myself were driving to Kesavalu Bungalow - As we were coming along the road the accused was coming along abusing us - we came near the boat. The accused cried to the crowd to join together to beat the Dhorais - They asked where are your Dhorais? I said they were behind - accused and some others sat down waiting for the Dhorais to come up. Meantime I went to the Bungalow. I was in a back seat and went with the Dhorais up to the river when I was asked about the whereabouts

of my Dhorais, the Dhorais were actual-ly crossing the river."

It is clear that this last witness has been giving false evidence from beginning to end. His statements are direct-ly contradictory to those of Messrs King and Fenton. He has avoided all mention of the whipping and evidently wishes to appear as the Saviour of his master by his invented dodge of having put the ac-cused off on a false scent.

Omitting from consideration the statement of the accused and the

evidence for the defen
which tries to make
out that accused w.
severely struck more
than once while in
standing in the side
drain to make way
for the trap, the
evidence of Messrs
King and Fenton
amounts to the fol.
-lowing " Accused
was in a very narrow
part of a narrow
road - He was car.
rying a load on his
head with a lot of
other coolies. He with
the rest was drunk.
To make way for the
trap Mr King —
Gently struck the
accused. For a mile
and a half of a drive
they saw no more

turned up as they were walking up to the ferry and

of him. He abused them. He could not induce any of the bystanders to join him either in abusing or threatening them. A little urchin however joined in abusing them from the river bank as they got into the boat."

On this evidence the Magistrate has convicted the man and sentenced him under Sections 504 and 510 of the Indian Penal Code, to rigorous imprisonment for 10 days and a fine of 20 Rs.

It is clear that the Police went out of their way in

arresting the man
without a Warrant
with the help of the
Planters, that the
accused was in custody
for at least 36 hours
before he was released
on bail under the terms
of the Warrant issued
the day after his ar-
rest, that the Ma-
gistrate has omitted
to take notice of these
irregularities but expresses
his "extreme sympathy
"for the consequences
"~~which~~ that befel the Com-
"plainant and his
"Companion;" * ~~and~~ It
only remains to quote
the statement of the
accused to show how
utterly the once
genial Planter's letter
in the Madras Mail
of the 12th October
1895 misrepresents

* makes no attempt at discrimination, believes the Police as well as the Planters and talks in a rambling inaccurate way about "the shoutings, yellings & the threatening attitude which the mob were assuming about Complainant & Boarding his way through semi-jungle to avoid meeting the mob which were disorderly and frantic amidst shouts & abuses threats &c &c.

the facts of the case -

"I had come
"to Medigovo shandy
"on Sunday - I was
"returning home with
"a load on my head -
"I heard something
"coming behind me -
"I stood on the edge
"of the road. Com-
"plainant was coming
"in a dog-cart - He
"came near me and
"beat me with his
"whip - I asked him
"why he beat me - The
"Complainant went
"on without replying
"me. I asked the 2 men
"present there to be
"witnesses - I did not
"attempt to assault
"the Complainant
"nor did I abuse him.
"I went home crying

after he beat me –
"I had drunk 2 drams
"of Arrack that day."

Extract from the Madras Mail, dated 12th October 1895.

from a letter headed

"Ruffianism in Mysore."

"A Visit" "to a Jungle Planter".

Sir,

Of late years one often hears the remark made that Mysore is no longer a place for Europeans, and I begin to think there is much truth in it - what with petty annoyances, and obstruction by officials, combined with Government injustice and labour

troubles, life is hardly
worth living. But,
sir, there is a much
more serious side
to the question and
that is the insulting
and violent conduct
of the Natives towards
Europeans, the worst
feature of which is
the fact that it is
secretly encouraged
by the higher class
Natives who should
know better. It is
an every day occur-
rence for Planters to
be insulted while riding
through Native Villages,
and even the children
run out and use
foul and disgusting
language. It is
needless for me to say

they must be ~~—~~
instructed by their
parents or they would
not think of such
a thing - Some
Villages are parti -
-cularly bad in this
respect - Complaint
is seldom made for
the reason that even
when a conviction is
obtained the sentence
is such as to make
the Complainant
appear ridiculous)
I wish to bring to
your notice a case
in point - Two ~~—~~
Planters, while driving
along, overtook a
native, a Toddy man
by caste, who deli -
-berately obstructed
their passage - The
Planters while trying
to pass the man touched
him with the whip

Will this have to be omitted

to prevent him being run over, as he appeared to be the worse for drink. Nothing in the nature of an assault was intended and the man was simply guided to one side. The man made no complaint at the time, nor could he show any evidence of an assault next day. The Planters drove on and after going some 3 miles reached a spot where a large river had to be crossed. They then saw a man running behind the trap, who turned out to be the man who had obstructed their path. On the banks of the river were collected some

false

(who had been drinking with friends)

70 or 80 natives re-
turning from the
bazar and the lorry
man seeing himself
supported by so
many friends, at
once began to pour
out torrents of abuse
at the same time
using most obscene
language and daring
the planters to as-
-sault him - One
of the Planters who
speaks the language
perfectly and has
lived in the country
many years, got
out of the trap and
explained to the ex-
-cited man that he
had no wish to assault
him and had only
touched him in the
first place to prevent

an Accident. The
man then called on
the crowd to kill
the Planters and the
end of it was the
Planters had to leave
the dog-cart behind
and beat a hasty
retreat through the
jungle to their Bun-
galow some miles
off. A complaint
was made next day
to the Amildar Ma-
gistrate and the
Police were sent ~~arrest~~ to
arrest the man, who
made a stout re-
sistance and it was
only with the aid of
me of the Planters that
e was secured. The
man admitted having

waited with a crowd armed with sticks and lathies far in- to the night in the hope of intercept ing the Planters on their way home - The sentence was 10 days imprison - ment !! Now, Sir, considering that the consequences might have been most se - rious, perhaps only ending with the lives of some of the parties, I think the punish- ment totally in - adequate and indeed more likely to encourage this sort of thing than otherwise -"

Hi

Bring this with you.
When you see me this
Evening - I will explain
Some of it to the Members Chiefs
into the Record. Both men
I remain - You Can be
too Careful in the Recital
of Facts.

Yours
L.

In the Court of the Talut Magistrate, Hassan -

Criminal Case No. 153 of 1894.

Present, Mahomed Raza, 3d. Class Magistrate.

Dated, Hassan 12th June 189.

Complainant

Mr. Taylor of the Mutsagar Estate, represented by Pleader Mr. Srikantia.

Accused

1. Hammantha Raju
2. Hammantha Raju
3. Ranga Raju.

represented by Pleader Mr. Sitharamia -

Charge. Sections 323, 352 and 504, Indian Penal Code -

Judgment.

1. The complaint is to the effect that on one Dasa Ra

"he went into the tank to bring out some birds shot by the Complainant and Mr. Crawford when out shooting in the Wunderarhully Tank, was drowned, the accused with some others beat, assaulted, hurt and insulted the Complainant.

2. The following witnesses were examined,

For the Prosecution: 1. Mr. Crawford
2. Krishnasami Iyer, Hospital Assistant.
3. Chenna Basava.

For the Court. 1. Hanumantha Raju
2. Shamsharkhan.
3. Hanumanthe Gowda

The following Exhibits were read: —

A. Chit written by the

Complainant and the 1st witness on the 25th February 1895, to the Bilaspur Police Station -

B. Sketch of the Jail produced by the Complainant

C. Certificate granted by the Hospital Assistant on an examination of the marks of beating on Complainant's body.

D English letter addressed by the Complainant to the Police Assistant Commissioner on the 28th February 1895.

E English letter No. 367 dated 3rd March 1895, addressed to the Complainant by the Police Assistant Superintendent -

F. English letter dated 8th. March 1895 addressed to the Taluk Magistrate by the Complainant.

G. Reply given by the Taluk Magistrate to the Complainant, No. 853 dated 11th. March 1895.

H Complainants' petition to this Court dated 21st. March 1895 and his deposition recorded on the 15th. April 1895.

I. Wundevarthully Patels report dated 25th. February 1895, to the Bilathully Police Station.

No charge was framed against the 2d. and 3d. accused.

The following charge was framed against and read out to the 1st accused: -

1. That on the 25th during the day or thereabouts, February 1895, you hurt the Complainant by squeezing his neck and beating him, near the temple at Wunnadevarhully Tank and thereby committed an offence punishable under Section 323 Indian Penal Code.

2. That on the same day and at the same time you used abusive language to the Complainant and thereby committed an offence punishable under Section 504 Indian Penal Code -

The accused denied the charge.

The 1st accused stated as follows:-

The Complainant and another Yiva (not the 3? witness) were shooting in the tank-bed. The 1st witness was shooting towards the tank-bund. As I followed the 1st witness, he said something in his language. I stood behind a Pipli tree. Of the birds shot by the Complainant, some dropped in the lotus and some in the water. My uncle's son Dasarajan and near the water, in the direction x

the Complainant was, the Complainants' eyes beckoned to him and he went there - The eyes then said, You will be paid better bring out the birds. Dasaraju said he did not know how to swim and could not therefore comply. The Complainant then said angrily, send the Kulvadi to bring those who could swim and get the birds out or take them out yourself. Dasaraju said tha there were swimmers at Bilakully and Kanajal but that they could not be sent for - On his having asked him to bring out at least the one bird which was close by, he

went into the water neck deep and came back about a yard or a yard and a half pleading inability. The Com. plainant then told him, stand there and draw water the bird is near and will come nearer. Accordingly he did so, when the bird came a cubit ~~farther~~ closer. As the Complainant said, it has come near, hold it, the deceased bent himself and stretched forth his hand, when the bird and himself went under the water. I came running from the bank bound saying that my brother was dead, and beating my mouth. The 1st witness

was shooting near the Kodi.
I took off my belt and went
into the water Knee - deep:
I felt cold and returned. The
Complainant referred to his
watch and said that there
was still life in him and
asked me to have the body
taken out - It was then —
harvest season and no one
was present - Ranja Raju &
Hanimanthana Ranja Raju
came behind me - They are
aware of all that trans-
pired. Complainant remains
there. Afterwards, 2, 3, or 4
of the Villagers, women and
children, came there. The
1st witness, hearing this —

commotion came running -
He ~~came to where~~ The 3rd. ac-
cused, came to the spot where we
were beating our mouths. Some of
the Villagers also turned up -
When the 1st. witness was
coming within 20. yards distance,
the Complainant mounted
his horse. As the 1st witness
also was about to mount his
horse, the deceased's mother
asked the deceased's wife to go
to the Sahebs adding that
they would give something
for maintenance - The 3rd
accused was following Com-
plainant's horse and he was (Complainant)
asking him to keep away as
the horse was a mischievous
one. I seized hold of the

horse near the threshing floor
I asked them to wait till
the Police arrived. As I
seized hold of the horse, it
became restive. I did not
let it go. They asked me to
let it go, but I did not
do so. They struck me on
my lips with the butt-end
of the gun. It wounded
and bled. The Court 1st
witness said, You have
killed him and are you bent
upon being mischievous and
killing these too, wait till the
arrival of the Police. Both of
them then went and stayed at
the temple. I went to the
Police Station and was giving
my statement to the Duffedar

The Sahebs' servant Era came there with a watch - A Constable was sent from the Station - I was sent, accompanied by a Constable, to the Taluk Jemadar, from Bilahully. I deposed be- -fore the latter at Hassan, all that transpired - I did not ac- -company the Police Constable to any Village. Escept stopping the horse, I did not abuse, beat or assault them. I have heard the charge read out to me - I did not com- -mit the offences therein mentioned. I did not also commit assault - I have witnesses.

The 2d accused stated as follows: -

I did not commit the assault. I was not in the Village on the day in question. I went to Kanajal on Sunday, stayed there on Monday and returned on Tuesday. I have witnesses.

The 3rd accused stated as follows: —

I did not commit the assault. I was spreading grass at the threshing floor. As the 1st accused beat his mouth that (Dasu ~~Raju~~ somebody) had fallen in the tank people went there. I also followed. They said that my brother had fallen into the tank. My statement is the same

as that of the 1st accused. The witnesses cited by the latter are also my witnesses -

6. 1. Ranga Raju, 2. Ranga Raju were examined on behalf of the 1st and 3d accused, and 1. Mari Gowda, 2 Linge Gowda on behalf of the 2d -

7. In his statement the Complainant has deposed that the accused and other persons not only abused and insulted him, but also beat, hurt and assaulted him - The 1st witness has personally witnessed the insult used and the beating and hurt caused by the 1st accused. It cannot be assumed from his statement that the 2d and 3d accused

committed the offence of " insult. He has however " stated that the accused and some others were among those who beat the Complain ant.

The 3d witness has de posed to having seen the 3 accused beat, assault and hurt the Complainant. It cannot be assumed from his statement that he was aware of the offence of insult having been committed. It is ascer tained that he was at some distance from the place where the offence was committed.

Both from the evidence of the Hospital Assistant, the 2d witness, and from the Certificate, Exhibited C, it is

quite clear that the offences of hurt and assault were really committed on the Com-plainant -

The Complainant and the 1st witness have, in their first report to the Bilehully Police, sent on the day of the occurrence, state that the Villagers beat them, and that the Patel has omitted to mention that fact in his report to the Police.

The Court 3rd witness has deposed that the Com-plainant not only informed him that the individuals who went to the Police Station as well as some others beat him, but also pointed out

to him, after going to the tent and taking off his clothes, blood clots on the body He has also stated that it was the 1st and 3d accused who had come to the Station.

The Complainant and the 1st witness while saying that the 1st witness for the Court witnessed the commission of the offence and separated them, prayed that his evidence may be dispensed with for the Prosecution, on the ground that he was related to the accused and would not consequently speak the truth. He was examined on behalf of the Court when he

ignored all knowledge of the commission of the offence but spoke merely to having pacified the parties which strengthens the prosecution -

The Court: 3d witness, the Patel of the Village knows nothing of the complaint, but has only sent a report, Exhibit 9, about Dasa Raju's death, which he was informed of. He is a relative of the Accused.

Although the 1st and 2d witnesses, on behalf of the 1st and 3d Accused corroborate the statements of the Accused in regard to Dasa Raju's death, the 1st witness has stated that it was the 3d Accused who stopped the Complainant's horse, while

the 2nd witness speaks to the 1st accused having done so —

From the evidence of the witnesses for the 2d accused, it cannot be established that the 2d accused was not present at the scene of occurrence, when the offence was committed.

In short, it is quite clear that as the accused' relative Dasa Raju, who went into the tank to bring out the birds shot by the Complainant and the 1st witness ~~it~~ got drowned and died, the accused and other persons got excited and stopped the Complainant and the 1st witness and caused hurt &c. —

The 1st and 3d accused have themselves admitted the fact

of stopping - Even if it is assumed that, according to them, it was no offence to have asked them to remain, and prevented them from going, till the Police came there to enquire into Dasaraju's death, it cannot be said that it was no offence to have beaten, hurt ~~and~~ and insulted assaulted them -

The Complainant denies having sent Dasa Raju to bring the birds. No mention is made of his having sent him even in the first report, Exhibit 9. The 1st Accused has stated that the Complainants' eyes sent him. Even if it was true as stated by the 1st Accused, that the Complainant did ask the deceased to bring out the

birds, it cannot be said that he knew that this act was likely to cause death and that he sent him in pursuance of that intention. If what he did was wrong, suitable steps ought to have been adopted, without unreasonably committing assault &c.

In support of the reliability of the Complainants assertion that his attempts to have the body taken out proved ineffectual, there is the statement of the 1st accused himself, that the Complainant told him that there was still life, and asked him to have the body taken out.

The Complainant and the 1st witness are European gentlemen. There is no reason

for. their concocting false state-
ments against the accused -

The statement of the
2d witness on behalf of the 2d
accused, that the Complainant
told him on the day of the
occurrence, that he was beaten,
also strengthens the prosecution -

Both from the evidence
adduced in the case and from
the exhibits produced, the Court
is of opinion that the accused
did commit the offence -

The Court finds the
1st accused Hanmanthu Raju, guilty of the
offences mentioned in the charge,
viz that he beat and hurt the
Complainant and thereby com-
mitted an offence punishable
under Section 323 I. P. C.,
and that he abused and insulted

the Complainant and
committed an offence punish-
-able under Section 504 I. P. C.
The Court finds the 2d and 3d
Accused Hanumantha Raju
and Ranga Raju guilty of
having beat and assaulted
the Complainant and thereby
committed an offence punishable
under Section 352 I. P. Code -
The Court directs that the 1st
Accused Hanumantha Raju
do suffer, for the first offence
rigorous imprisonment for 7
days and pay a fine of Rs 2.
in default suffer 7 days —
simple imprisonment, and
for the second offence, do pay
a fine of Rs: 10 in default
suffer 7 days rigorous im-
prisonment; and that the

and 3? accused do pay
fine of Rs 5/ each, for the
offence of Assault, in default
do suffer 7 days simple
imprisonment, each -

Dated 12th June 1895.

/Signed/ Mahomed Raza
3d Class Magistrate